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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/586,531	05/31/2000	Shai Mohaban	50325-0085	6019

29989	7590	04/15/2004	

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EXAMINER
FERRIS, DERRICK W

ART UNIT	PAPER NUMBER
2663	

DATE MAILED: 04/15/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>11 March 2004</u>.

2a) ☒ This action is **FINAL.**   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-8,10-18 and 20-38* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-8,10-18 and 20-38* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *31 May 2000* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Inventorship

1.   In view of the papers filed 3/11/04, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(a). The inventorship of this application has been changed by oath/declaration to include Silvano Gai and Dinesh G. Dutt.

        The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of the file jacket and PTO PALM data to reflect the inventorship as corrected.

Response to Amendment

2.   **Claims 1-8, 10-18, and 20-38** as amended are still in consideration for this application. Applicant has amended claims **1, 3-7, 10-11, 13-17, 20-22**. Applicant has canceled claims **9 and 19**. Applicant has added **claims 23-38**.

3.   Examiner **withdraws** the anticipated rejection to *Gai* for Office action filed 09/22/03. Applicant has amended the claims. See new rejection below for the claims as necessitated by amendment.

4.   Examiner **withdraws** the obviousness rejection to *Gai* in view of *Baugher* and *Gai* in view *Lin* for Office action filed 09/22/03. In response to applicant's arguments, at issue is determining one or more network/transport parameter values associated with a traffic flow (i.e., QoS). Examiner disagrees with applicant that the above limitation is not taught by *Gai*. In particular, see the abstract of *Gai* with respect to DSCP and DCLASS. Also see Section 2 on

page 5 and Section 4.1 at pages 8-9. It is important to note here that examiner assumes a

reasonable but broad interpretation of network/transport parameters. In particular, applicant

further argues that network/transport parameters include bandwidth, packet size, packet rate, and

average rate (see applicant's remarks filed 3/11/04 at page 14). These parameters are further

included in the dependent claims. Here the examiner notes these traffic parameters are implicitly

taught per the QoS specification. However, to further strengthen the examiner's position, the

examiner has supplied a supplemental reference which further explicitly teaches these

limitations. Examiner also notes that supplemental reference further clarifies the amendment to

claim 4 (see below).

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

6.   **Claims 1-7, 10-17, 20-28, 30-36 and 38** are rejected under 35 U.S.C. 103(a) as being

unpatentable over "RSVP Receiver Proxy" to *Gai et al.* ("*Gai*") in view of U.S. Patent No.

6,101,549 to *Baugher et al.* ("*Baugher*") and in further view of U.S. Patent Application

2004/0022191 A1 to *Bernet et al.* ("*Bernet*").

   As to **claim 1**, *Gai* in figure 1 (page 6) discloses a sending host H1, a receiving

host H2 and an RSVP receiver proxy as R1. The proxy server PS1 determines whether to

make the reservation. As a result the RSVP proxy receiver generates and communicates

a RESV message (see sections 3-4).

Gai may not clearly teach determining both next and previous hop parameter values associated with the anticipated traffic flow. However, examiner notes that the limitation is taught given a reasonable but broad interpretation of the claims. In particular, *Gai* recommends placing the proxy as close to the source and provides an example of the proxy adjacent to the source. However, *Gai* also teaches that the proxy can be placed closer to a destination. Thus in placing the proxy further away from the source, one would be motivated to determine both a next and previous hop parameter given a reasonable but broad interpretation of the claimed subject matter. Examiner notes further support as taught in sections 4 and 4.1 of *Gai*. However, should the interpretation be incorrect, examiner also notes the following obviousness rejection below.

Examiner purposes to modify *Gai* to further clarify determining both next and previous hop parameter values associated with the anticipated traffic flow.

Examiner notes that it would have been obvious to someone skilled in the art prior to applicant's invention to determine both the next and previous hop parameters. In particular, *Baugher* provides motivation and support by disclosing a similar RSVP proxy (typically implemented in a firewall) which determines a previous and next hop as shown in figure 3. Thus *Baugher* also provides additional support for determining previous and next hop parameters.

Examiner notes that *Gai* may also not clearly teach determining traffic (i.e., network and transport) parameter values associated with the anticipated traffic flow. Examiner notes given a reasonable but broad interpretation of the claims the above-limitation is taught at e.g., Section 4.1 on pages 8-9 of *Gai*. In particular, these

parameters are taught as part of DSCP and DCLASS. However, to further clarify the rejection in further context of applicant's invention, the examiner has supplied an additional reference.

Thus the examiner purposes to modify *Gai* to further clarify how the RSVP messages can contain QoS (i.e., traffic parameter values).

Examiner notes that it would have been obvious to one skilled in the art prior to applicant's invention to include determining traffic (i.e., network and transport) parameter values associated with the anticipated traffic flow. In particular, one skilled in the art would have been motivated to make the modification in order to support QoS. *Bernet* further teaches the motivation in e.g., the Abstract. Examiner furthermore notes a reasonable expectation of success since *Bernet* further teaches using a proxy, see e.g., paragraph 0055 at page 6. Thus in clarifying the rejection, *Bernet* teaches performing QoS for RSVP using both quantitative services as well as qualitative service (e.g., see paragraph 0038 at page 4). In addition, *Bernet* also provides a finer grained relationship using the qualitative service e.g., see paragraph 0046 at page 5.

As to **claims 2 and 3**, see section 3 on page 7 where examiner notes a reasonable but broad interpretation of "traffic parameter values". See also figures 2 and 3 of *Bernet*.

As to **claim 4**, *Bernet* further clarifies that QoS can be determined either by flow or by application thus meeting the claimed limtiation.

As to **claims 5-6**, see section 4.1 of *Gai* on page 8. Rate and size of packets are shown as part of the policy data and/or flow descriptors as is known in the art for QoS (i.e., in support of the QoS spec). See also paragraph 0034 on page 3 of *Bernet*.

As to **claim 7**, see sections 3 and 4 of *Gai* where examiner notes a reasonable but broad interpretation of additional anticipated traffic flow attributes.

As to **claim 10**, using a broad but reasonable interpretation of "adjacent to the path" it would have been obvious to someone skilled in the art prior to applicant's invention to attach a proxy receiver adjacent to the path. As support and motivation, *Gai* teaches a proxy node that is adjacent to the path (see figure 1 of *Gai*) as either a router or part of a policy server. As further support, see figure 3 of *Baugher* which teaches another interpretation of an adjacent proxy device.

As to **claim 11**, in addition to the rejection to claim 1, *Gai* is silent or deficient on how the concept of an RSVP receiver should be implemented (i.e., in reference to using a computer readable medium). Examiner notes it would have been obvious to someone skilled in the art to implement the functionality of *Gai* as a computer readable medium. Examiner notes a design choice/decision as the motivation.

As to **claim 12**, see the rejection for claim 2.

As to **claim 13**, see the rejection for claim 3.

As to **claim 14**, see the rejection for claim 4.

As to **claim 15**, see the rejection for claim 5.

As to **claim 16**, see the rejection for claim 6.

As to **claim 17**, see the rejection for claim 7.

As to **claim 20**, see the rejection for claim 10.

As to **claim 21**, see similar rejection for claim 1.

As to **claim 22**, in addition to rejection for claim 11, *Gai* is silent or deficient to

using a processor. Examiner notes that it would have been obvious to someone skilled in

the art prior to applicant's invention to use a processor. As support, *Baugher* cures the

deficiency by disclosing a CPU 32 (figure 2) of a host computer system such as a proxy

host. Thus *Baugheri* provides a motivation for using a processor for an RSVP proxy.

As to **claim 23**, see the rejection for claim 2.

As to **claim 24**, see the rejection for claim 3.

As to **claim 25**, see the rejection for claim 4.

As to **claim 26**, see the rejection for claim 5.

As to **claim 27**, see the rejection for claim 6.

As to **claim 28**, see the rejection for claim 7.

As to **claim 30**, see the rejection for claim 10.

As to **claim 31**, see the rejection for claim 2.

As to **claim 32**, see the rejection for claim 3.

As to **claim 33**, see the rejection for claim 4.

As to **claim 34**, see the rejection for claim 5.

As to **claim 35**, see the rejection for claim 6.

As to **claim 36**, see the rejection for claim 7.

As to **claim 38**, see the rejection for claim 10.

7.   **Claims 8, 18, 29 and 37** are rejected under 35 U.S.C. 103(a) as being unpatentable over

"RSVP Receiver Proxy" to *Gai et al.* ("*Gai*") in view of U.S. Patent No. 6,101,549 to *Baugher et*

al. ("*Baugher*") and in further view of U.S. Patent Application 2004/0022191 A1 to *Bernet et al.*

("*Bernet*") and "Speech communication for working group based on LAN" to *Lin et al.* ("*Lin*").

As to **claim 8**, *Gai, Baugher* and *Bernet* are silent or deficient to using an IP

phone in particular. Examiner notes that it would have been obvious to someone skilled

in the art prior to applicant's invention to use a non-RSVP IP device in general, and more

particular and IP phone as a host. *Gai* provides motivation by representing any IP device

that does not support RSVP which could be an IP phone. *Lin* helps cure the deficiency

by disclosing an IP phone thus teaching that an IP device can be a telephone [page 880

left-hand column].

As to **claim 18**, see the rejection for claim 8.

As to **claim 29**, see the rejection for claim 8.

As to **claim 37**, see the rejection for claim 8.

Conclusion

8.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Derrick W. Ferris whose telephone number is (703) 305-4225.

The examiner can normally be reached on M-F 9 A.M. - 4:30 P.M. E.S.T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Chau Nguyen can be reached on (703) 308-5340. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Derrick W. Ferris
Examiner
Art Unit 2663

DWF
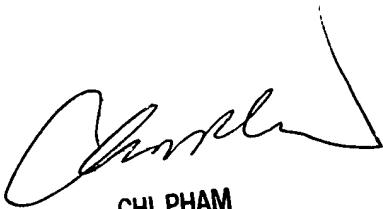
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